

REMARKS

Claim Rejections- 35 U.S.C. §112

1. Claims 1-3, 7-10, 14-16, 18-19, 21-22, 24 and 26 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) In particular, Claims 1, 7, 8 and 14 the phrase "forms a complex in absence of electrically conductive metal particles in the complex" were rejected as vague and indefinite, since it is unclear whether the metal particles are present before the complex is formed and whether the metal particles are part of the sample or capture reagent.

Claims 1, 7, 8 and 14 have been amended so as to clarify that the second capture reagent is bound to an electrically conductive polymer in absence of electrically conductive metal particles even before the sample is added and the complex is formed.

(b) In particular, Claims 8 and 14 the phrase "wherein when a fluid sample containing an antigen which is bound by the second antibody" were rejected as vague and indefinite, since it is unclear whether the antigen is bound by the antibody in the sample prior to or after being introduced into the second zone.


Claims 8 and 14 have been amended to clarify that when a fluid sample containing an antigen enters the second defined area of the second zone, the antigen is bound by the second antibody which is bound to the conductive polymer to form a complex.

The above amendments to independent Claims 1, 7, 8 and 14 and thereby dependent Claims 2-3, 9-10, 15-16, 18-19, 21-22, 24 and 26 clarify the vague and indefinite language so as to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Reconsideration of the rejection is requested.

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The above amendments were made to present the claims in better form for consideration on appeal. Therefore, entry of this amendment for purposes of appeal is requested.

Respectfully submitted,


Ian C. McLeod
Registration No. 20,931

McLEOD & MOYNE, P.C.
2190 Commons Parkway
Okemos, MI 48864

Telephone: (517) 347-4100
Facsimile: (517) 347-4103